

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

| | | |
|--|---|--------------------------|
| ARNULFO FONSECA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No. 08-435-MJR |
| |) | |
| CHARLES DAVID NELSON, Individually, and |) | Judge: Michael J. Reagan |
| in his official capacity as State's Attorney for |) | |
| Saline County, KEITH BROWN, Individually, |) | |
| and in his capacity as Sheriff of Saline County, |) | |
| KEN CLORE, MARK LEVAUGH, RANDY |) | |
| BUTLER, MIKE JONES, BRAD NEAL, |) | |
| DAVID BLAZIER, TODD FORT, STEVE |) | |
| SLOAN, MONA NELSON, All Individually, |) | |
| SALINE COUNTY, SHERIFF'S OFFICE OF |) | |
| SALINE COUNTY, STATE'S ATTORNEY'S |) | |
| OFFICE OF SALINE COUNTY, AND |) | |
| VILLAGE OF CARRIER MILLS, |) | |
| |) | |
| Defendants. |) | |

ANSWER TO COMPLAINT

NOW Come the Defendants Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, by Joseph A. Bleyer of the law Firm of Bleyer and Bleyer, their attorneys, and for their Answer to Plaintiff's Complaint, say:

CAUSE OF ACTION

1. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County admit that Plaintiff has brought his Complaint under 42 U.S.C. §1983 but deny that this section has any applicability and further deny the Plaintiff is entitled to the relief

claimed.

2. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of saline County deny each and every allegation of Paragraph 2.

3. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County deny each and every allegation of Paragraph 3.

PARTIES

4. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit the allegations of Paragraph 4.

5. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, neither admit or deny the allegations of Paragraph 5 in that it is nothing more than a notification; however, to the extent a response is required the Defendants deny each and every allegation of Paragraph 5.

6. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit that Ken Clore was an investigator for the State's Attorney of Saline County but otherwise deny each and every allegation of Paragraph 6.

7. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of

Saline County, make no response to Paragraph 7 in that no relief is sought against them in said paragraph.

8. The Defendant, Saline County admits it is a local governmental entity within the State of Illinois but denies that the Saline County Sheriff's Office and Saline County State's Attorney's office are the same entity and further denies that the Plaintiff is entitled to any relief sought.

9. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, make no response to Paragraph 9 in that no relief is sought against them in said Paragraph.

10. The Defendant, Keith Brown admits that he is the Sheriff of Saline County but otherwise denies each and every allegation of Paragraph 10.

11. The Defendant, Randy Butler, admits that he is a Saline County Deputy but otherwise denies each and every allegation of Paragraph 11.

12. The Defendant, Mike Nones, admits that he is a Saline County Deputy but otherwise denies each and every allegation of Paragraph 12.

13. The Defendant, Brad Neal, admits that he is a Saline County Deputy but otherwise denies each and every allegation of Paragraph 13.

14. The Defendant, David Blazier, admits that he is a Saline County Deputy but otherwise denies each and every allegation of Paragraph 14.

15. The Defendant, Todd Fort, admits that he is a Saline County Deputy but otherwise denies each and every allegation of Paragraph 15.

16. The Defendant, Steve Sloan, admits that he is a Saline County Deputy and Carrier Mills Investigating Police Officer but otherwise denies each and every allegation of Paragraph 16.

17. The Defendant, Mona Nelson, denies each and every allegation of Paragraph 17.

JURISDICTION, VENUE AND STNDING

18. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit that there does exist 28 U.S.C. §§1331, 1343(a) and 1367(a) but these Defendants deny that the Plaintiff's Complaint states a cause of action and further deny that the Plaintiff is entitled to any relief sought against any of these Defendants.

19. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit that there does exist 28 U.S.C. §1391(b) but these Defendants deny that the Plaintiff's Complaint states a cause of action and further deny that the Plaintiff is entitled to any relief sought against any of these Defendants.

20. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 20.

HISTORY

21. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit that Ashleigh Miller died on June 6, 2007, but otherwise the Defendants deny each and

every allegation of Paragraph 21.

22. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit that the Plaintiff was arrested on June 4, 2007, but otherwise deny each and every remaining allegation of Paragraph 22.

23. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit the allegations of Paragraph 23.

24. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit the allegations of Paragraph 24.

25. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, lack sufficient knowledge to either admit or deny the allegations of Paragraph 25; however to the extent a response is required, the Defendants deny each and every allegation of Paragraph 25.

26. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, lack sufficient knowledge to either admit or deny the allegations of Paragraph 26; however, to the extent a response is required the Defendants deny each and every allegation of Paragraph 26.

27. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit that a preliminary hearing was conducted and that probable cause was found but otherwise

the Defendants lack sufficient knowledge to either admit or deny the remaining allegations of Paragraph 27; however, to the extent a response is required the Defendants deny each and every allegation of Paragraph 27.

28. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 28.

29. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, admit that the Plaintiff wore a bullet proof vest while leaving the Courthouse but otherwise the Defendants deny each and every remaining allegation of Paragraph 29.

30. The Defendants, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 30.

CLAIM 1

§1983 DEPRIVATION OF RIGHTS-FOURTH AMENDMENT FALSE ARREST/IMPRISONMENT

1-30. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 1.

31. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County,

deny each and every allegation of Paragraph 31.

32. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 32.

33. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 33.

34. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 34.

35. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 35.

WHEREFORE, The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, demand that Plaintiff take nothing by Claim 1 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

CLAIM 2

**§1983 DEPRIVATION OF RIGHTS-FOURTEENTH AMENDMENT
DUE PROCESS VIOLATION AKIN TO MALICIOUS PROSECUTION**

1-30. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal,

David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 2.

31. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 31.

32. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, admit the allegations of Paragraph 32.

33. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 33.

34. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 34.

35. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 35.

WHEREFORE, The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, demand that Plaintiff take nothing by Claim 2 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

CLAIM 3

**§1983 DEPRIVATION OF RIGHTS-FOURTEENTH AMENDMENT
DUE PROCESS VIOLATION-FABRICATION AND INFLUENCE**

1-30. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 3.

31. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 31.

32. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 32.

33. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 33.

WHEREFORE, The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, demand that Plaintiff take nothing by Claim 3 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

CLAIM 4

**§1983 DEPRIVATION OF RIGHTS-FOURTEENTH AMENDMENT
DUE PROCESS VIOLATION-LACK OF PROBABLE CAUSE PROTECTION**

1-30. The Defendants, Mike Jones and Steve Sloan, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 4.

31. The Defendants, Mike Jones and Steve Sloan deny each and every allegation of Paragraph 31.

32. The Defendants, Mike Jones and Steve Sloan deny each and every allegation of Paragraph 32.

33. The Defendants, Mike Jones and Steve Sloan deny each and every allegation of Paragraph 33.

WHEREFORE, The Defendants, Mike Jones and Steve Sloan demand that Plaintiff take nothing by Claim 4 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

CLAIM 5

**§1983 DEPRIVATION OF RIGHTS-FOURTEENTH AMENDMENT
DUE PROCESS VIOLATION-RIGHT TO INTERSTATE TRAVEL**

1-30. The Defendants, Mike Jones and Steve Sloan, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 5.

31. The Defendants, Mike Jones and Steve Sloan deny each and every allegation of Paragraph 31.

32. The Defendants, Mike Jones and Steve Sloan deny each and every allegation of

Paragraph 32.

33. The Defendants, Mike Jones and Steve Sloan deny each and every allegation of

Paragraph 33.

WHEREFORE, The Defendants, Mike Jones and Steve Sloan demand that Plaintiff take nothing by Claim 5 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

CLAIM 6

STATE LAW MALICIOUS PROSECUTION

1-30. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 6.

31. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 31.

32. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, admit the allegations of Paragraph 32.

33. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 33.

34. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 34.

35. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 35.

WHEREFORE, The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Saline County and Sheriff's Office of Saline County, demand that Plaintiff take nothing by Claim 6 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

**CLAIM 7
STATE COMMON LAW CLAIM
INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**

1-30. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 3.

31. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 31.

32. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal,

David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 32.

33. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 33.

WHEREFORE, The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, demand that Plaintiff take nothing by Claim 7 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

**CLAIM 8
STATE COMMON LAW CLAIM
DEFAMATION**

NOW Come the Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, by Bleyer and Bleyer, their attorneys, and make no response to Claim No. 8 in that no relief is sought against them in said claim.

**CLAIM 9
STATE COMMON LAW CLAIM
INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**

1-30. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 9.

31. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 31.

32. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 32.

33. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 33.

34. The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 34.

WHEREFORE, The Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, demand that Plaintiff take nothing by Claim 9 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

**CLAIM 10
745 ILCS 10/9-102-INDEMNIFICATION**

1-30. The Defendants, Saline County and Sheriff's Office of Saline County, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 10.

31. The Defendants, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 31.

32. The Defendants, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 32.

33. The Defendants, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 33.

WHEREFORE, The Defendants, Saline County and Sheriff's Office of Saline County, demand that Plaintiff take nothing by Claim 10 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

**CLAIM 11
RESPONDEAT SUPERIOR-STATE LAW CLAIM**

1-30. The Defendants, Saline County and Sheriff's Office of Saline County, repeat and reallege their answers to Paragraph 1-30 as and for their answers to Paragraphs 1-30 of Claim 11.

31. The Defendants, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 31.

32. The Defendants, Saline County and Sheriff's Office of Saline County, deny each and every allegation of Paragraph 32.

WHEREFORE, The Defendants, Saline County and Sheriff's Office of Saline County, demand that Plaintiff take nothing by Claim 11 of his Complaint and these Defendants have judgment for their costs in this cause most wrongfully sustained.

DEFENDANTS DEMAND TRIAL BY JURY.

BLEYER and BLEYER

S/Joseph A. Bleyer
Attorney Registration No. 6193192
Attorneys for Defendants, Keith Brown, Ken Clore,
Randy Butler, Mike Jones, Brad Neal, David
Blazier, Todd Fort, Steve Sloan, Mona Nelson,
Saline County and Sheriff's Office of Saline County

FIRST AFFIRMATIVE DEFENSE

NOW Comes the Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, by Joseph A. Bleyer of the Law Firm of Bleyer and Bleyer, their attorneys and for their First Affirmative Defense states that the Plaintiffs' First Amended Complaint fails to state a cause of action as a matter of law.

DEFENDANTS DEMAND TRIAL BY JURY

SECOND AFFIRMATIVE DEFENSE

NOW Comes the Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, by Joseph A. Bleyer of the Law Firm of Bleyer and Bleyer, their attorneys and for their Second Affirmative Defense states that Plaintiffs' First Amended Complaint was not filed within the applicable statute of limitations.

DEFENDANTS DEMAND TRIAL BY JURY

THIRD AFFIRMATIVE DEFENSE

NOW Comes the Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, by Joseph A. Bleyer of the Law Firm of Bleyer and Bleyer, their attorneys and

for their Third Affirmative Defense states that they is entitled to qualified immunity.

DEFENDANTS DEMAND TRIAL BY JURY

FOURTH AFFIRMATIVE DEFENSE

NOW Comes the Defendants, Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County and Sheriff's Office of Saline County, by Joseph A. Bleyer of the Law Firm of Bleyer and Bleyer, their attorneys and for their Fourth Affirmative Defense state that the decision to prosecute the Plaintiff is within the discretion of the States Attorney who is entitled to immunity and thus these defendants are entitled to immunity.

DEFENDANTS DEMAND TRIAL BY JURY

BLEYER and BLEYER

S/Joseph A. Bleyer
Attorney Registration No. 6193192
Attorneys for Defendants, Keith Brown, Ken Clore,
Randy Butler, Mike Jones, Brad Neal, David
Blazier, Todd Fort, Steve Sloan, Mona Nelson,
Saline County and Sheriff's Office of Saline County

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2008, I electronically filed Answer to Complaint on behalf of Keith Brown, Ken Clore, Randy Butler, Mike Jones, Brad Neal, David Blazier, Todd Fort, Steve Sloan, Mona Nelson, Saline County, and Sheriff's Office of Saline County with the Clerk of the Court using CM/ECF System which will send notifications of such filing to the following:

John P. Cranley
#2 Butternut Lane at Highway 157
Glen Carbon, IL 62034

Karen McNaught
Assistant Attorney General
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500 South Second
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4343 West Main Street
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Leslie G. Offergeld
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I hereby certify that on October 10, 2008, I mailed by United States Postal Service, the documents to the following nonregistered participants:

None

S/Joseph A. Bleyer

BLEYER and BLEYER
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